



February 8, 2022

To the Honorable Council
City of Norfolk, Virginia

Item Number: R-15

Re: An Ordinance Amending Section 8 of Ordinance No. 48,436 to Restore A City
Code Section Inadvertently Omitted

Dear Ladies and Gentlemen:

Attached please find an Ordinance amending Section 8 of Ordinance No. 48,436 to
restore a city code section inadvertently omitted.

Respectfully,


A handwritten signature in black ink, appearing to read "BAPishko", is written over a horizontal line.

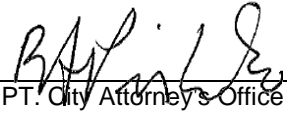
Bernard A. Pishko
City Attorney

BAP:bjl
Attachment

Form and Correctness Approved: **BAP**

Contents Approved:


By: _____
Office of the City Attorney


By: _____
DEPT. City Attorney's Office

NORFOLK, VIRGINIA

Ordinance No.

AN ORDINANCE AMENDING SECTION 8 OF ORDINANCE NUMBER 48,436 SO AS TO RESTORE A CITY CODE SECTION INADVERTENTLY OMITTED.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 8 of Ordinance No. 48,436 (passed and effective on July 13, 2021) is hereby amended and reordained in its entirety to restore a section of the Norfolk City Code (1979), as amended, inadvertently omitted, to be numbered and reading as follows:

Sec. 37-61

**Normal service
retirement age and
allowance.**

- (a) For persons who became members of the system on or before June 30, 2018, the normal service retirement age shall be sixty (60) years with at least five (5) years of creditable service or the age at which thirty (30) years of creditable service have been completed, whichever occurs first, for general employees, and the normal service retirement age shall be fifty-five (55) years with at least five (5) years of creditable service or the age at which twenty-five (25) years of creditable service have been completed, whichever occurs first, for policemen and firemen and paramedic employees (for the purpose of this section 37-61, paramedic employee shall mean any member of the division of paramedical services of the department of fire and paramedical services whose primary and usual

duties routinely involve the rendering of emergency medical care).

For persons who became members of the system on or after July 1, 2018, the normal service retirement age shall be the retirement age as defined under the Social Security Act (42 U.S.C § 416 et seq. and as amended) with at least five (5) years of creditable service or the age at which the sum of creditable service years and age equals ninety (90) for general employees and the normal service retirement age shall be sixty (60) years with at least five (5) years of creditable service or age fifty (50) years with twenty-five (25) years of creditable service having been completed, whichever occurs first, for policemen, firemen and paramedic employees (for the purpose of this section 37-61, paramedic employee shall mean any member of the division of paramedical services of the department of fire and paramedical services whose primary and usual duties routinely involve the rendering of emergency medical care).

Any member in service who has attained his normal service retirement age shall be retired by the board on a normal service retirement allowance, upon his written application setting forth at what time, not less than thirty (30) nor more than ninety (90) days next following the execution and filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service.

- (b) Any member in service who has attained age sixty-five (65), if he is a policeman or fireman, shall be retired forthwith by the board on a service retirement allowance. The provisions of this section shall not apply to the chief of police as defined at Charter section 60 and City Code section 33-22 or to the chief of fire rescue as defined at Charter section 62 and City Code section 17.1-2.
- (c) The normal service retirement allowance of a general employee who became a member of the system on or before June 30, 1980, shall consist of a pension equal to two (2)

percent of his average final compensation multiplied by the number of years of creditable service up to a maximum of thirty-five (35) years of creditable service (i.e., thirty-five (35) years serves as a cap on the amount of normal service retirement allowance).

The normal service retirement allowance of a general employee who became a member of the system subsequent to June 30, 1980, shall consist of a pension equal to 1.75 percent of his average final compensation, multiplied by the number of years of creditable service up to a maximum of thirty-five (35) years of creditable service (i.e., thirty-five (35) years serves as a cap on the amount of normal service retirement allowance).

- (d) The normal service retirement allowance of a policeman, fireman or paramedic employee shall consist of a pension equal to 2.5 percent of his average final compensation multiplied by the number of years of creditable service up to a maximum of sixty-five (65) percent of average final compensation.
- (e) Reserved.
- (f) The board may, on its own motion, pay a retirement benefit to a former member not in service, if such member was otherwise entitled to a retirement benefit at the time he separated from service and was not in a disciplinary status or under suspension at that time. Such benefit to be effective on the first of the month following the member's removal from the payroll.
- (g)-(k) Reserved.
- (l) On or after January 1, 1997, permanent part-time employees shall be members of the system. Upon the completion of five (5) years of creditable service as defined by this paragraph, such members shall be entitled to benefits of the system based on creditable service earned and compensation in proportion to which their annual hours bear to the compensation of full-time employees.

- (1) Creditable service for permanent part-time employees shall be a fraction of

one year of service, the numerator of which is the number of hours scheduled for the permanent part-time employees for the year and the denominator of which is the number of hours scheduled for a full-time employee for the year. Creditable service earned by permanent part-time employees shall be calculated in this manner on an annual basis or at the time they cease to be a member of the system to determine whether the employee has earned five (5) years of creditable service necessary to receive a benefit upon retirement.

Earnable compensation for each full calendar year of permanent part-time employment shall be the annualized base compensation of the permanent part-time employee determined by multiplying such employee's rate of pay by the number of hours scheduled for a full-time employee for the year. Average final compensation for permanent part-time employees shall be determined in the manner set forth in Section 37-2.

- (2) Any employee who transfers from full-time to permanent part-time status; transfers from permanent part-time to full-time status; or retires while in permanent part-time status, shall receive membership service as determined in paragraph (1) for any period of permanent part-time employment.
- (3) All other provisions of this chapter applicable to general employees who became members on or after January 1, 1997, and not inconsistent with this subparagraph (1), shall apply to permanent part-time employees who became members of the system on or after January 1, 1997.
- (m) Any member serving on the council of the City of Norfolk on July 1, 1995, but not serving on July 1, 2001, shall maintain the normal service retirement allowance for their creditable service which was in effect at the time of their retirement from the council of the City of Norfolk.

- (n) For persons serving on the council of the City of Norfolk who became members of the system on or before June 30, 2018, the normal service retirement age shall be fifty-five (55) years with at least five (5) years of creditable service or the age at which twenty-five (25) years of creditable service has been completed, whichever occurs first. For persons serving on the council of the City of Norfolk who became members of the system on or after July 1, 2018, the normal service retirement age shall be sixty (60) years with at least five (5) years of creditable service or age fifty (50) years with twenty-five (25) years of creditable service having been completed, whichever occurs first.

Any member serving on the council of the City of Norfolk on or after July 1, 2001, shall have a normal service retirement allowance of 2.5 percent of his average final compensation multiplied by the number of his years of creditable service up to a number of years of creditable service which would allow his normal retirement allowance to equal up to sixty-five (65) percent of his average final compensation.

- (o) Members of the employees' retirement system of the city who have fifteen (15) years of creditable service with the city are eligible upon retirement to elect to participate in the health care insurance benefit plans available to employees of the City until such time as the member reaches the age defined as the normal age of eligibility for Medicare pursuant to 42 U.S. Code § 1395c, as amended. In addition, and notwithstanding the above, the following members shall also be eligible for the benefit regardless of the length of their creditable service: (1) council members serving on or after April 30, 2010; (2) city officers appointed to their positions pursuant to the charter; (3) employees in the department of law who are city attorneys; and (4) city employees identified as executive in the annual compensation plan ordinance and its attachments.

Within thirty days of the member's retirement; or, within thirty days of a

qualifying event whereby the member is no longer enrolled as a dependent beneficiary of a health care insurance benefit available to employees of the city or an affiliated agency who participates in the city's health care insurance plan; the member shall elect to enroll in the health care insurance benefit plan by communicating their election to the department of human resources. The member shall be responsible for payment of the full premium cost of the plan less any supplement authorized by the city council in its annual budget or other ordinance. Once enrolled, the member shall remain eligible to participate in the health care insurance plan until such time as the member disenrolls or reaches the age defined as the normal age of eligibility for Medicare pursuant to 42 U.S. Code § 1395c.

- (p) Notwithstanding any ordinance to the contrary, the City Attorney shall have a normal service retirement allowance consisting of a pension equal to 2.5% of his average final compensation multiplied by the number of years of creditable service as City Attorney from May 1, 1997 to his retirement ("City Attorney Years") plus unused sick leave, plus 1.75% of his average final compensation multiplied by the number of years from November 4, 1984 to April 30, 1997 (the "Assistant City Attorney Years"), which when added to the City Attorney Years causes the total to equal 35 (the Assistant City Attorney Years reduced so that when added to the City Attorney years the total equals 35). Any unused sick leave will be subject to the 2.5% multiplier and added to the 35 years of creditable service. Pursuant to Section 143 of the Norfolk City Charter, as amended, this retirement benefit cannot be reduced to the extent it has accrued.

Section 2:- That this ordinance is effective from and after the effective date of Ordinance No. 48,436, being July 13, 2021.